

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING

SUBTITLE D: VIDEO GAMING

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PART 1800

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214 AUTHORITY: Implementing and authorized by Section 78(a)(3) of the Video Gaming Act [230
 215 ILCS 40/79(a)(3)].

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39 Ill. Reg. 8183, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015; amended at 40 Ill. Reg. 2952, effective January 27, 2016; amended at 40 Ill. Reg. 8760, effective June 14, 2016; amended at 40 Ill. Reg. 12762, effective August 19, 2016; amended at 40 Ill. Reg. 15131, effective October 18, 2016; emergency amendment at 41 Ill. Reg. 2696, effective February 7, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 2939, effective February 24, 2017; amended at 41 Ill. Reg. 4499, effective April 14, 2017; amended at 41 Ill. Reg. 10300, effective July 13, 2017; amended at 42 Ill. Reg. 3126, effective February 2, 2018; amended at 42 Ill. Reg. 3735, effective February 6, 2018; emergency amendment at 43 Ill. Reg. 9261, effective August 13, 2019, for a maximum of 150 days; emergency amendment, except for the definition of "in-location bonus jackpot game" or "in-location progressive game" and the definition of "progressive jackpot" in Section 1800.110 and except for Section 1800.250(x), suspended at 43 Ill. Reg. 11061, effective September 18, 2019; amended at 44 Ill. Reg. 489, effective December 27, 2019; emergency amendment at 43 Ill. Reg. 9788, effective August 19, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 1961, effective December 31, 2019; emergency amendment at 43 Ill. Reg. 11688, effective September 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 3205, effective February 7, 2020; emergency amendment at 43 Ill. Reg. 13464, effective November 8, 2019, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 43 Ill. Reg. 13479, effective November 12, 2019; suspension withdrawn at 44 Ill. Reg. 3583; emergency amendment to emergency rule at 44 Ill.

Reg. 3568, effective February 21, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. 10891, effective June 10, 2020; amended at 43 Ill. Reg. 14099, effective November 21, 2019; emergency amendment at 44 Ill. Reg. 10193, effective May 27, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 16454, effective September 25, 2020; emergency amendment at 44 Ill. Reg. 11104, effective June 15, 2020, for a maximum of 150 days; emergency expired November 11, 2020; amended at 44 Ill. Reg. 11134, effective June 22, 2020; emergency amendment at 44 Ill. Reg. 13463, effective July 28, 2020, for a maximum of 150 days; emergency expired December 24, 2020; amended at 45 Ill. Reg. 3424, effective March 8, 2021; amended at 45 Ill. Reg. 5375, effective April 12, 2021; amended at 45 Ill. Reg. 9971, effective July 20, 2021; emergency amendment at 45 Ill. Reg. 10074, effective July 26, 2021, for a maximum of 150 days; emergency expired December 22, 2021; amended at 46 Ill. Reg. 5530, effective March 16, 2022; amended at 46 Ill. Reg. 6916, effective April 25, 2022; amended at 46 Ill. Reg. 17107, effective September 28, 2022; amended at 46 Ill. Reg. 18049, effective October 31, 2022; amended at 47 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 1800.110 Definitions

For purposes of this Part the following terms shall have the following meanings:

"Act": The Video Gaming Act [230 ILCS 40].

"Adjusted gross receipts": The gross receipts less winnings paid to wagerers. The value of expired vouchers shall be included in computing adjusted gross receipts.

"Administrator": The chief executive officer responsible for day-to-day operations of the Illinois Gaming Board.

"Affiliate": An "affiliate of", or person "affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, that person.

"Affiliated entity": An "affiliated entity" of a person is any business entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, the person.

"Applicant": A person applying for any license under the Act.

"Application": All material submitted, including the instructions, definitions, forms and other documents issued by the Illinois Gaming Board, comprising the video gaming license application submitted to the Illinois Gaming Board.

"Associated video gaming equipment": Ticket payout systems and validation procedures; wireless, promotional and bonusing systems; kiosks; gaming-related peripherals; hardware, software and systems; and other gaming devices and equipment for compliance with:

Illinois laws, regulations and requirements as codified or otherwise set forth; and

Board-approved video gaming industry standards.

"Attributed interest": A direct or indirect interest in an enterprise deemed to be held by an individual not through the individual's actual holdings but either through the holdings of the individual's relatives or through a third party or parties on behalf of the individual pursuant to a plan, arrangement, agreement or contract.

"Board": The Illinois Gaming Board.

"Business entity" or "Business": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chi-square test": A statistical test used to determine if a relationship between variables exists by comparing expected and observed cell frequencies. Specifically, a chi-square test examines the observed frequencies in a category and compares them to what would be expected by chance or would be expected if there was no relationship between variables.

"Control": The possession, direct or indirect, of power to direct or cause the direction of the management and policies of an applicant or licensee through the ownership of voting securities, by contract or otherwise.

"Convenience store": A retail store that is open long hours and sells motor fuel and a limited selection of snacks and general goods.

"Credit": One, five, 10 or 25 cents.

"Distributor": An individual, partnership, corporation or limited liability company licensed under the Act to buy, sell, lease or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.

"Enforce a security interest": To transfer possession of ownership or title pursuant to a security interest.

"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a game on a video gaming terminal.

"Facility-pay" or "facility payment": A manual payment of currency by an authorized employee of a licensed video gaming location or an authorized employee of a terminal operator for amounts owed to a patron by a video gaming terminal when a video gaming terminal or ticket payout device has malfunctioned and is unable to produce or redeem a ticket.

"Fraternal organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(8) or (c)(10) of the Internal Revenue Code (26 U.S.C.~~USC~~ 501(c)(8) or (c)(10)).

"Game": A gambling activity that is played for money, property or anything of value, including without limitation those played with cards, chips, tokens, vouchers, dice, implements, or electronic, electrical or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any game.

"Gaming operation": The conducting of gaming or the providing or servicing of gaming equipment.

"Gaming property collateral": Video gaming equipment subject to a security interest.

"Illinois resident":

With respect to an individual, an individual who is either:

domiciled in Illinois or maintains a bona fide place of abode in Illinois; or

is required to file an Illinois tax return during the taxable year.

With respect to a corporation, any corporation organized under the laws of this State and any foreign corporation with a certificate of authority to

transact business in Illinois. A foreign corporation not authorized to transact business in this State is a nonresident of this State.

With respect to a partnership, a partnership in which any partner is an Illinois resident, or where the partnership has an office and is doing business in Illinois.

With respect to an irrevocable trust, a trust where the grantor was an Illinois resident individual at the time the trust became irrevocable.

"Immediate family": A spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance), parents, grandparents, siblings, children whether by blood, marriage or adoption, grandchildren, and step-children, whether by blood, marriage, or adoption.

"In-location bonus jackpot game" or "in-location progressive game": A video game in which the value of the top prize increases each time the game is played and the top prize is not won.

"Institutional investor":

A retirement fund administered by a public agency for the exclusive benefit of federal, state or local public employees;

An investment company registered under section 8 of the Investment Company Act of 1940 (15 U.S.C.~~USE~~ 80a-8);

A collective investment trust organized by a bank under Part 9 of the Rules of the Comptroller of the Currency (12 CFR 9.18);

A closed end investment trust registered with the United States Securities and Exchange Commission;

A chartered or licensed life insurance company or property and casualty insurance company;

A federal or state bank;

An investment advisor registered under the Investment Advisors Act of 1940 (15 U.S.C.~~USE~~ 80b-1 through 80b-21); or

Such other person as the Illinois Gaming Board may determine for reasons consistent with the Act and this Part.

"License": Authorization granted by the Board permitting a licensee to engage in the defined activities of video gaming.

"Licensed establishment": Any retail establishment licensed under the Act where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises. Licensed establishment does not include a facility operated by an organization licensee, an intertrack wagering licensee, or an intertrack wagering location licensee licensed under the Illinois Horse Racing Act of 1975 [230 ILCS 5] or a riverboat or casino licensed under the Illinois Gambling Act [230 ILCS 10].

"Licensed fraternal establishment": The location licensed under the Act where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

"Licensed large truck stop establishment": A facility located within 3 road miles from a freeway interchange, as measured in accordance with the Department of Transportation's rules regarding the criteria for the installation of business signs:

that is at least a 3-acre facility with a convenience store;

with separate diesel islands for fueling commercial motor vehicles;

that sells at retail more than 50,000 gallons of diesel or biodiesel fuel per month; and

with parking spaces for commercial motor vehicles. "Commercial motor vehicle" has the meaning ascribed at Section 18b-101 of the Illinois Vehicle Code.

The requirement of this definition may be met by showing that estimated future sales or past sales average at least 50,000 gallons per month.

"Licensed technician": An individual who is licensed under the Act to repair, service and maintain video gaming terminals. A licensed technician is not licensed under the Act to possess or control a video gaming terminal or have access to the inner workings of a video gaming terminal (i.e., the logic area maintained in a separately locked cabinet of the video gaming terminal that houses electronic components that have the potential to significantly influence the operation of the video gaming terminal).

"Licensed terminal handler": A person, including but not limited to an employee or independent contractor working for a manufacturer, distributor, supplier, technician or terminal operator, who is licensed under the Act to possess or control a video gaming terminal or to have access to the inner workings of a video gaming terminal. A licensed terminal handler does not include an individual, partnership, corporation or limited liability company defined as a manufacturer, distributor, supplier, technician or terminal operator under Section 5 of the Act.

"Licensed truck stop establishment": A facility licensed under the Act that is at least a 3-acre facility with a convenience store, that has separate diesel islands for fueling commercial motor vehicles, that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and that has parking spaces for commercial motor vehicles. "Commercial motor vehicle" has the meaning ascribed at Section 18b-101 of the Illinois Vehicle Code [625 ILCS 5]. The 10,000 gallon requirement may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

"Licensed veterans establishment": The location licensed under the Act where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

"Licensed video gaming location": A licensed establishment, licensed fraternal establishment, licensed veterans establishment, licensed truck stop establishment, or licensed large truck stop establishment, all as defined in Section 5 of the Act and this Part.

"Liquor license": A license issued by a governmental body authorizing the holder to sell and offer for sale at retail alcoholic liquor for use or consumption.

"Major components or parts": Components or parts that comprise the inner workings and peripherals of a video gaming terminal, including but not limited to the device's hardware, software, human interface devices, interface ports, power supply, ticket payout system, bill validator, printer and any component that affects or could affect the result of a game played on the device.

"Manufacturer": An individual, partnership, corporation or limited liability company that is licensed under the Act and that manufactures or assembles video gaming terminals.

"Net terminal income": Money put into a video gaming terminal minus credits paid out to players.

"Nominee": Any individual or business entity that holds as owner of record the legal title to tangible or intangible personal or real property, including without limitation any stock, bond, debenture, note, investment contract or real estate on behalf of another individual or business entity, and as such is designated and authorized to act on his, her or its behalf with respect to the property.

"Ownership interest": Includes, but is not limited to, direct, indirect, beneficial or attributed interest, or holder of stock options, convertible debt, warrants or stock appreciation rights, or holder of any beneficial ownership or leasehold interest in a business entity.

"Payout device": A device, approved by the Board and provided by a supplier or distributor, that redeems for cash tickets dispensed by a video gaming terminal in exchange for credits accumulated on a video gaming terminal.

"Person": Includes both individuals and business entities.

"Place of worship under the Religious Corporation Act": A structure belonging to, or operated by, a church, congregation or society formed for the purpose of religious worship and eligible for incorporation under the Religious Corporation Act [805 ILCS 110], provided that the structure is used primarily for purposes of religious worship and related activities.

"Problem gambling": "A repetitive set of gaming behaviors that negatively impacts someone's life.

"Progressive jackpot": The top prize in an in-location bonus jackpot game or in-location progressive game.

"Redemption period": The one-year period, starting on the date of issuance, during which a ticket dispensed by a video gaming terminal may be redeemed for cash.

"Responsible gaming" means all of the following:

Policies for reducing harms related to gaming;

Providing a transparent and fair game;

Playing within time and money limits; and

Gaming for entertainment and fun.

"Secured party": A person who is a lender, seller or other person who holds a valid security interest.

"Security": An ownership right or creditor relationship.

"Security agreement": An agreement that creates or provides a security interest, including but not limited to a use agreement.

"Security interest": An interest in property that secures the payment or performance of an obligation or judgment.

"Sole proprietor": An individual who in ~~their~~his or her own name owns 100% of the assets and who is solely liable for the debts of a business.

"Substantial interest": With respect to a partnership, a corporation, an organization, an association, a business or a limited liability company means:

When, with respect to a sole proprietorship, an individual or ~~their~~his or her spouse owns, operates, manages, or conducts, directly or indirectly, the organization, association or business, or any part thereof; or

When, with respect to a partnership, the individual or ~~their~~his or her spouse shares in any of the profits, or potential profits, of the partnership activities; or

When, with respect to a corporation, an individual or ~~their~~his or her spouse is an officer or director or the individual or ~~their~~his or her spouse is a holder, directly or beneficially, of 5% or more of any class of stock of the corporation; or

When, with respect to a limited liability company, an individual or ~~their~~his or her spouse is a member, or the individual or ~~their~~his or her spouse is a holder, directly or beneficially, of 5% or more of the membership interest of the limited liability company; or

When, with respect to any other organization not covered in the preceding four paragraphs, an individual or ~~their~~his or her spouse is an officer or manages the business affairs, or the individual or ~~their~~his or her spouse is the owner of, or otherwise controls, 10% or more of the assets of the organization; or

When an individual or ~~their~~~~his or her~~ spouse furnishes 5% or more of the capital, whether in cash, goods or services, for the operation of any business, association or organization during any calendar year.

For purposes of this definition, "individual" includes all individuals or their spouses whose combined interest would qualify as a substantial interest under this definition and whose activities with respect to an organization, association, or business are so closely aligned or coordinated as to constitute the activities of a single entity.

"Supplier": An individual, partnership, corporation or limited liability company that is licensed under the Act to supply major components or parts to video gaming terminals to licensed terminal operators.

"Terminal operator": An individual, partnership, corporation or limited liability company that is licensed under the Act that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments or licensed veterans establishments.

"Use agreement": A contractual agreement between a licensed terminal operator and a licensed video gaming location establishing terms and conditions for placement and operation of video gaming terminals by the licensed terminal operator within the premises of the licensed video gaming location, and complying with all of the minimum standards for use agreements contained in Section 1800.320.

"Veterans organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(19) of the Internal Revenue Code (26 U.S.C.~~USC~~ 501(c)(19)).

"Video gaming equipment": Video gaming terminals, associated video gaming equipment and major components or parts.

"Video gaming location": Any licensed video gaming location as defined in Section 1800.110, any applicant to become a licensed video gaming location, or any person that a terminal operator or sales agent and broker has reason to believe may apply to become a licensed video gaming location.

"Video gaming manager": An employee or owner or designated representative of a licensed video gaming location who manages, oversees or is responsible for

video gaming operations at the location, and coordinates the video gaming operations with a terminal operator or the central communications system vendor.

"Video gaming operation": As the context requires, the conducting of video gaming and all related activities.

"Video gaming terminal": Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART B: DUTIES OF LICENSEES

Section 1800.250 Duties of Terminal Operators

In addition to all other duties and obligations required by the Act and this Part, each licensed terminal operator has an ongoing duty to comply with the following:

- a) Assume the primary responsibility for the operation and maintenance of video gaming terminals and for payment of tax remittance to the State as required by the Act;
- b) Maintain and provide, either directly or through a licensed manufacturer, distributor, supplier, licensed technician, or licensed terminal handler, an inventory of associated video gaming equipment to ensure the timely repair and continued, approved operation and play of the video gaming terminals it operates;
- c) Ensure the timely repair and continued, approved operation and play of the video gaming terminals it operates;
- d) Assume responsibility for the payment of valid receipt tickets issued by video gaming terminals it operates;
- e) Maintain at all times an approved method of payout for valid receipt tickets and pay all valid receipt tickets;

- 682 f) Assume responsibility for terminal and associated video gaming equipment
683 malfunctions, including any claim for the payment of credits arising from
684 malfunctions;
685
- 686 g) Promptly notify the Board of electronic or mechanical malfunctions or problems
687 experienced in a terminal that affect the integrity of terminal play;
688
- 689 h) Extend no form of deferred payment for video gaming terminal play in which an
690 individual receives something of value now and agrees to repay the lender in the
691 future for the purpose of wagering at a video gaming terminal;
692
- 693 i) Maintain a single bank account for all licensed video gaming locations with which
694 it contracts for deposit of aggregate revenues generated from the play of video
695 gaming terminals and allow for electronic fund transfers for tax payments;
696
- 697 j) Only enter~~Enter~~ into ~~written~~ use agreements or agreements that purport to control
698 placement and operations of video gaming terminals with ~~licensed~~ video gaming
699 locations that comply with the Act and this Part;
700
- 701 k) Obtain and install, at no cost to the State and as required by the Board, all
702 hardware, software and related accessories necessary to connect video gaming
703 terminals to a central communications system;
704
- 705 l) Offer or provide nothing of value to ~~any licensed~~ video gaming location or any
706 person related to or affiliated with a~~agent or representative of any licensed~~ video
707 gaming location as an incentive or inducement to locate, keep or maintain video
708 gaming terminals at the ~~licensed~~ video gaming location;
709
- 710 m) Not own, manage or control a licensed establishment, licensed truck stop
711 establishment, licensed large truck stop establishment, licensed fraternal
712 establishment, or licensed veterans establishment;
713
- 714 n) Conduct advertising and promotional activities in accordance with this Part and in
715 a manner that does not reflect adversely on or that would discredit or tend to
716 discredit the Illinois gaming industry or the State of Illinois;
717
- 718 o) Respond to service calls within a reasonable time from the time of notification by
719 the video gaming location;
720
- 721 p) Immediately remove all video gaming terminals from the restricted area of play:
722
723 1) upon order of the Board or an agent of the Board; or
724

2) that have been out of service or otherwise inoperable for more than 72 hours;

- q) Provide the Board on a monthly basis a current list of video gaming terminals acquired for use in Illinois;
- r) Not install, remove or relocate any video gaming terminal without prior notification and approval of the Administrator or his designee;
- s) Provide prompt notice of an assignment of a use agreement to the Board, the affected location, and the central communications system vendor;
- t) Maintain a video gaming terminal access log for each video gaming terminal, which must be kept inside the video gaming terminal at all times, documenting all access to the video gaming terminal. The log format shall provide for the time and date of access, the persons who had access, the license number when applicable and the nature of the service or repair made during the access;
- u) Service, maintain or repair video gaming terminals at licensed video gaming locations only by licensed technicians or licensed terminal handlers;
- v) Purchase keys and locks for video gaming terminals that are approved by the Board and are specific to the terminal operator. All keys shall be numbered, reported to the Board and available for audits. The Board shall be provided with access to the logic box of a video gaming terminal upon request. If a terminal operator's actions necessitate a rekeying, the costs of rekeying shall be at the terminal operator's expense. A terminal operator shall immediately inform the Board if a key is lost or stolen;
- w) Provide, at the terminal operator's expense, digital surveillance cameras that continuously record at all times when video gaming terminals are operational. These cameras shall be maintained at all licensed video gaming locations with which the terminal operator has entered into a use agreement. The surveillance provided by these cameras shall extend to all areas where video gaming is being conducted and video gaming vouchers are redeemed. Recorded images must clearly and accurately display the time and date. Recordings shall not be destroyed or altered and shall be retained for at least 30 days. Surveillance recordings are subject to inspection by the Board through its agents and must be kept in a manner that allows the Board to view and obtain copies of the recordings immediately upon request. All surveillance recordings must record at a minimum of 10 frames per second and at a minimum resolution of 1280 x 720 px. All video surveillance data collected pursuant to this subsection shall be stored at the video gaming location or through offsite storage (e.g., cloud storage, offsite server). If

stored at the video gaming location, neither the licensed location, nor any owner, person of significant influence or control, nor any of their employees, may access the video surveillance data. The retention of backed up video surveillance data shall take place twice monthly, by the first and fifteenth of each month, into a safe and secure location that shall not be accessible except by the terminal operator or a Board agent. The provisions of this subsection shall become operative on July 1, 2020; and

- x) Create a form for the use of licensed video gaming locations as a receipt for progressive jackpot winners. After the Administrator approves that form, the terminal operator shall distribute the forms to all licensed video gaming locations operating in-location bonus jackpot games or in-location progressive games with which the terminal operator has a use agreement. The form shall have payment instructions for the winning patron, identify contact information for the terminal operator, and be capable of having the following information recorded in triplicate:
 - 1) The winner's name and address;
 - 2) The date and time the progressive jackpot was won;
 - 3) Identification number and location of the video gaming terminal on which the progressive jackpot was won; and
 - 4) Game outcome (for example, reel symbols, card values or suits).
- y) Offer or provide nothing of value to any other person that does not hold a sales agent and broker license or who is not a person of significant influence and control who has been disclosed pursuant to Section 220(e)(2) of this Part as a result of any compensation earned in connection with the solicitation of agreements that purport to control the placement and operation of video gaming terminals on behalf of a terminal operator.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 1800.265 Duties of Sales Agents and Brokers

In addition to all other duties and obligations required by the Act and this Part, each licensed sales agent and broker, or any person of significant influence or control of a terminal operator that is engaged in the solicitation of use agreements or any other agreement that purports to control the placement and operation of video gaming terminals for that terminal operator, has an ongoing duty to comply with the following:

- a) Carry and display identification issued by the Board when engaged in the active solicitation of use agreements on behalf of a terminal operator;
- b) Pay a fee of \$10 to the Board for any necessary replacement of identification;
- c) Return Board issued identification to the Board within 30 days upon expiration, surrender, or termination of licensure, or rescission of Board issued temporary identification;
- d) Only solicit or facilitate use agreements or agreements that purport to control the placement and operation of video gaming terminals with video gaming locations that comply with the Act and this Part;
- e) Offer or provide nothing of value to any video gaming location, or any person related to or affiliated with video gaming location as identified in Section 350(a)(2) of the Part, as an incentive or inducement to locate, keep or maintain video gaming terminals at the video gaming location;
- f) When soliciting use agreements or any agreements that purport to control the placement and operation of video gaming terminals, affirmatively disclose to every video gaming location being solicited the identity of any terminal operator on whose behalf the person is acting.
- g) Disclose to any terminal operator on whose behalf the sales agent and broker is acting the identity of any and all of that sales agent and broker's employees, subcontractors, or other persons who may assist the sales agent and broker in solicitation or facilitation of use agreements or other agreements that purport to control the placement and operation of video gaming terminals on behalf of that terminal operator. Sales agents and brokers shall make such disclosure before those persons may engage in any solicitation or facilitation on behalf of the terminal operator.
- h) Offer or provide nothing of value to any other person as any form of compensation or payment in connection with the solicitation of use agreements or agreements that purport to control the placement and operation of video gaming terminals on behalf of a terminal operator unless:
 - 1) The person is a licensed sales agent and broker, and
 - 2) The person has been disclosed to the terminal operator as having been involved in the solicitation of the agreement for which that person is receiving compensation or payment.

- i) Retain a record of all payments or compensation of any kind made to any person in connection with the solicitation of use agreements or any other agreements that purport to control the placement and operation of video gaming terminals.

(Source: Added at 47 Ill. Reg. _____, effective _____)

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section 1800.321 Solicitation of Use Agreements or Agreements that Purport to Control the Placement and Operation of Video Gaming Terminals

- a) No person may solicit a video gaming location for any use agreement agreement that purports to control the placement and operation of video gaming terminals on behalf of a terminal operator unless that person either has a valid sales agent and broker license or has been previously identified as a person of significant influence or control of the terminal operator and disclosed pursuant to Section 220(e)(2) of this Part. There is a rebuttable presumption that any person who may receive or has received a commission, payment, bonus, or other compensation in connection with the execution of a use agreement or other agreement that purports to control the placement and operation of video gaming terminals is engaged in solicitation.
- b) No person shall be compensated by a terminal operator for solicitation of any agreement that purports to control the placement and operation of video gaming terminals if that person has been the subject of a Final Board Order revoking or denying renewal of their sales agent and broker license or ordering their economic disassociation.

(Source: Added at 47 Ill. Reg. _____, effective _____)

Section 1800.330 Economic Disassociation

- a) Each applicant or licensee shall provide a means for the economic disassociation of any person who, with respect to that applicant or licensee, is a Person With Significant Influence or Control, a holder of an Ownership Interest, or any licensed sales agent and broker~~person for whom a licensee, applicant or Person With Significant Influence or Control has a continuing duty to report information under Section 1800.220(e)(2),~~ in the event the economic disassociation is required by an order of the Board.
- b) Based upon findings from an investigation into the character, reputation, experience, associations, business probity, and financial integrity of a Person With Significant Influence or Control, a holder of an Ownership Interest, or any

~~licensed sales agent and broker person for whom a licensee, applicant or Person With Significant Influence or Control has a continuing duty to report information under Section 1800.220(e)(2),~~ the Board may enter an order upon a licensee to require the economic disassociation of that person. A person whose economic disassociation has been ordered may contest the order under the provisions of Subpart G. A violation of an order of economic disassociation may result in a complaint against the licensee under Subpart G. Any hearing relating to an order of economic disassociation shall be a hearing on the merits of the Board's determination that economic disassociation is warranted. The licensee shall be considered the party to the hearing.

- c) The Board may enter an order of economic disassociation under this Section under any criteria for denial of license set forth in Section 9 of the ~~Illinois Riverboat~~ Gambling Act [230 ILCS 10] or Section 45 of the Video Gaming Act.
- d) If an order of economic disassociation is contested under subsection (b) of this Section, all payments owed to or in connection with the subject person shall be suspended until the Board issues its final Board order.
- e) If the final Board order under subsection (d) results in economic disassociation, no further payments may be made to the disassociated person other than fair market value consideration for a loss of ownership interest.
- f) If the final Board order under subsection (d) does not result in economic disassociation, then any payments suspended pursuant to subsection (d) of this Section may be paid.
- g) No licensee shall engage in any economic association with any person who has been subject to any final Board order of economic disassociation.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART E: LICENSING PROCEDURES

Section 1800.530 Submission of Application (Repealed)

~~All applications shall be submitted to the Board at its office in Chicago (160 N. LaSalle St., Chicago IL 60601).~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 1800.540 Application Fees (Repealed)

~~All applicants for a license issued by the Board shall pay the following application fees, as applicable, at the time of filing their application:~~

- ~~a) Manufacturer—\$5,000~~
- ~~b) Distributor—\$5,000~~
- ~~c) Terminal Operator—\$5,000~~
- ~~d) Supplier—\$2,500~~
- ~~e) Technician—\$100~~
- ~~f) Terminal Handler—\$100~~
- ~~g) Licensed establishment, licensed truck stop establishment, licensed large truck stop establishment, licensed fraternal establishment, or licensed veterans establishment—\$100~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 1800.570 Renewal of License

- a) The Board may only renew a license upon receipt of the annual fee (see Section 45(g) of the Act) and any renewal forms provided by the Board.
- b) The Board may only renew a license if the licensee continues to meet all qualifications for licensure set forth in the Act and this Part. Renewal of a license is not a ruling on the merits of any currently pending or future disciplinary action.
- c) A license shall expire if the annual fee is not received by the Board prior to the expiration of the license.
- d) A licensee whose license is not renewed by its renewal date, including but not limited to a licensee contesting a notice of nonrenewal or revocation of the license, shall still pay its annual fee each year. Failure to pay the scheduled annual fee shall cause the license to expire.
- e) If a ~~licensed~~ video gaming location license, ~~licensed~~ technician license, ~~or licensed~~ terminal handler license or sales agent and broker license has expired due to the non-payment of the annual fee, and the Board receives the licensee's annual fee within 10 business days following expiration of the license, the Board may

renew the license without requiring reapplication provided the licensee continues to meet all qualifications for licensure set forth in the Act and this Part. Payment of an annual fee after expiration of a license in accordance with this subsection may still constitute failure by a licensee to keep current in its obligations to the State pursuant to Section 1800.210(g).

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 1800.595 Temporary Identification Badge

The Administrator may issue a temporary identification badge to an applicant for a terminal handler, technician, or sales agent and broker license. The holder of a temporary identification badge of any type may perform duties as a holder of a license of the same type. The holder of a temporary identification badge is subject to the same duties and obligations as a holder of a license of the same type.

- a) To qualify for a temporary identification badge, an applicant must have already submitted an application that has been deemed complete by the Administrator, including fingerprints and a photograph.
- b) In determining whether to grant a temporary identification badge, the Administrator shall consider any relevant factor, including but not limited to:
 - 1) Facts that suggest an applicant may not be suitable for licensure under the Act and this Part; and
 - 2) Any past or pending disciplinary action against the applicant in any jurisdiction.
- c) Temporary identification badges are valid for one year from the date of the application unless rescinded or extended by the Administrator.
- d) A temporary identification badge is not transferable and upon rescission must be returned by the applicant to the Board within 30 days, or if employed by a licensed terminal operator, to his or her employer. A licensed terminal operator shall return any such badge to the Board within 21 days.
- e) The Administrator may rescind a temporary identification badge at any time for any just cause, including, but not limited to, the factors identified in Sections 1800.310 and 1800.420, and in subsection (b) of this Section.
- f) Rescission of a temporary identification badge by the Administrator is not a final ruling on the merits of an application.

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g) A temporary identification badge shall be rescinded upon issuance of a Notice of Denial of Application.

(Source: Added at 47 Ill. Reg. _____, effective _____)